FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NOS.1996 OF 2006
IN
WRIT PETITION NO.8721 OF 2005
AND
CIVIL APPLICATION NO.1997 OF 2006
IN
WRIT PETITION NO.8725 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr T.Mhetugade, for the applicant.
Mr K.K.Malpathak, for respondent no.1

CORAM: D.B.BHOSALE,J.
DATED: 24.08.2006

P.C.:

Heard the learned counsel for the parties.

In this application, the applicant has made the following prayers in Civil Application No.1996 of 2006.

"(A) That this Hon'ble Court may be pleased to appoint the receiver in respect of the suit property, viz.the property which is the subject matter of this litigation and more particularly described in paragraph 1 of the Plaint in Civil Suit No.814 of 1995 and be pleased to appoint the applicant herein as the Receiver in respect of the said property, on such term and condition of the Hon'ble Court may deem fit.

(B) That this Hon'ble Court be pleased to strike of the pleading of the defendant

for not complying with the order passed by this Hon'ble Court (Coram : Kakade, J.) passed at the time of admission of writ petition no.8721 of 2005."

Insofar as the first prayer is concerned, it need not be granted in view of the interim relief granted by this Court in terms of prayer clauses (c) and (d) while admitting the writ petition.Hence, his first prayer is rejected.

The respondent has filed reply affidavit stating that he has paid the entire arrears in terms of the prayer clause (d) granted vide order dated 30.1.2006. That statement has not been controverted by the applicant. Therefore, I find no reason to disbelieve that statement. Hence, both the prayers are rejected.

2. In view of the above order passed in the application No.1996/2006, the prayers in Civil Application No.1997 of 2006 in Writ Petition No.8725 of 2005 are rejected and the application is also disposed of.

(D.B.BHOSALE,J.)